

KANAB CITY COUNCIL MEETING
APRIL 12, 2011
KANE COUNTY DISTRICT COURTROOM

PRESENT: Mayor Nina Laycook, Council Members Ed Meyer, Steve Mower, Tony Chatterley and Jim Sorenson, City Attorney Van Mackelprang, City Manager/Recorder Duane Huffman and City Treasurer RaeLene Johnson.

Prayer was offered by Duane Huffman.

WORK MEETING: Mr. Jim Matson, Kane County Commissioner, addressed the Council. He said there is going to be office space available after the new jail is completed. He ask the Council to consider using some of the office space after the County decides what space they still need. The Council said they would review the possibility.

The results of the 2011 Kanab City Citizen Survey was presented by students from BYU by speaker phone. They said that the majority of the ones who filled out the survey had lived in Kanab 20 plus years. Most of the survey showed concern for code enforcement and street conditions. They said they had only received 170 to 200 surveys and that is a small number of respondents. A large percent of surveys from the Ranchos were dissatisfied with the sewer system. There were not many surveys received from the young residents. The survey results will be compiled and sent to the City.

City Manager Huffman updated the Council on the new bridge. He said there had been an error in the advertizement by UDOT, so it was withdrawn and will be re-advertized. Construction likely won't begin until September 1.

Budget discussions were given on the Recreation Special Revenue Fund. He said that the Parks and Recreation Board had made a recommendation on their budget. They wanted to hire a full time recreation director. Mr. Jack Gisler with the Parks & Recreation Board addressed the Council. He said in the Parks and Recreation Master Plan, there are listed two goals of more than twenty in the Parks and Trails Master Plan. The first is to annually seek citizen input to identify needs and to set priorities. The second goal is to create a City Parks and Recreation Department and hire a director. They encouraged the Council to plan for and implement this goal in the 2010 budget by hiring a full-time director. He said this position could be self-supporting over time. He feels the residents need life style choices that help with their health. Mr. Gisler said they are trying to partner with the County jointly for funding. Council said they would consider the proposal.

City Manager Huffman briefly went over the debt service fund. Council Member Sorenson said the Council needs to review the Capital Improvement Action Plan.

Mayor Laycook opened the regularly scheduled Council Meeting at 8:00 p.m.

APPROVE MINUTES & VOUCHERS: A motion was made by Council Member Chatterley

and 2nd by Council Member Sorenson to approve the minutes of the March 22 meeting and the vouchers. Motion passed unanimously.

CONSIDER APPOINTMENT TO FILL CITY COUNCIL VACANCY: Mayor Laycook said the City had received six names to serve on the Council, and that she could support a recommendation for any one of them to serve on the Council. She asked them to address the Council and introduce themselves and why they want to serve. Cheryl Brown said she has lived in Kanab for 26 years. She has served on the Parks and Recreation Board from its beginning and she is also a member of the Shade Tree Committee. Mr. Dennis Day said he has served on two other City Council Positions. He has lived in Kanab for 5 years. He loves the community and wants to preserve Kanab's way of life. Duane M. Barnson said he is a young father, so he can represent parents and children. He has been active in Parks and Recreation. He served as a member of the Planning Commission and the Volunteer Fire Department. He was vice president of the boys Babe Ruth Association. Jack Gisler said he is experienced in business, education and government with most of those years in senior management positions. He worked to help the Grand Staircase Monument succeed. Joseph B. Wright said he is a life time resident. He is currently serving on the Planning & Zoning Commission. He is a principal at the Fredonia Middle and elementary school. James West said he manages the new Holiday Inn. He feels he has an expertise in the tourism industry. A motion was made by Council Member Chatterley to fill the vacancy of Shaun Smith whose term expires December 31, 2011 with Cheryl Brown. Motion 2nd by Council Member Mower. Motion passed as follows: Three yeas and 1 nay. Council Member Meyer voting nay. He was concerned with the process of deciding who to fill the vacancy. Cheryl Brown was invited to sit with the Council.

CONSIDER REQUEST BY CHARA AND JOHN NORTHRUP FOR LOCAL CONSENT FOR A CLASS C BEER LICENSE FOR CHARLIE'S OASIS RESTAURANT AT 332

WEST 300 NORTH: A motion was made by Council Member Mower and 2nd by Council Member Meyer to give local consent for a Class C Beer License for Charlie's Oasis Restaurant at 332 West 300 North contingent on State approval. Motion passed unanimously.

CONSIDER ORDINANCE 4-1-11 O AMENDING THE KANAB CITY LAND USE ORDINANCE CHAPTER 1 GENERAL PROVISIONS, CHAPTER 3 APPEALS

OFFICER AND CHAPTER 4 SUPPLEMENTARY REGULATIONS: Council Member Sorenson reviewed the changes with the Council to the above chapters in the Land Use Ordinance. He said the Planning Commission recommended that the Council approve the amendments to the Land Use Ordinance by adding or amending lodging houses, improvements requirements for building permits for individual residential lots and the appeals officer. Relating to the appeals officer the Council was concerned with all final decisions of Planning Commission and/or City Council only being appealed directly to District Court. Ms Joan Thatcher asked the Council to change the time frame for the appeal to be made. She said 10 days is not much time. The Council discussed in Chapter 4, Section 4 about street improvements to match existing conditions on adjacent or contiguous properties or sign a "non-opposition" waiver for a future special improvement district if not contiguous. City Manager Huffman said he was concerned about the future enforcement and general practicality of non-opposition waivers. City Manager Huffman also expressed concern regarding the requirement that the zoning administrator

annually inspect lodging houses. A motion was made by Council Member Sorenson and 2nd by Council Member Meyer to adopt ordinance #4-1-11 O as amended to include the changes recommended by the Planning Commission with the exception of the requirement that appeals of final decisions going directly to District Court, and adding clarifying language at the end of Chapter 3 that the Kanab City Council shall approve appeal rules drafted by the Appeals Officer. Council Member Sorenson will take the request for the time of 10 days being increased back to the Planning Commission.

CONSIDER REQUEST BY UDOT FOR A ROW DEED (0.436 ACRES) ON PARCEL US89:1 FOR PROJECT NUMBER HSIP-US89(001)69: This item was tabled.

HEARING AND CONSIDERATION AS TO THE CLASSIFICATION OF A BUSINESS PER KANAB CITY GENERAL ORDINANCE SECTION 9-126-REQUESTED BY APPLICANT VAN MACKELPRANG: City Manager Huffman asked that Mr. Van Mackelprang excuse himself from the Council to address the Council regarding his business license application. Mr. Mackelprang read a draft opinion from the deputy county attorney regarding the City Ordinance requiring business licenses. Mr. Mackelprang said it is against the City Ordinances to require him as the City Attorney to have a business license. City Manager Huffman stated that Mr. Mackelprang's application for a business license was interpreted to be for a private business, and that it was ridiculous to suggest that Mr. Mackelprang needed a business license for his role as City Attorney. Mr. Huffman also stated that this confusion could have been resolved with an explanation by Mr. Mackelprang rather than requiring a hearing before the City Council. Council Member Meyer asked if Mr. Mackelprang only did City attorney work. Mr. Mackelprang confirmed that he did not conduct private business, and he stated that he previous city manager required him to obtain a business license as city attorney. No action was taken on this item, with the intent that the ordinance be reviewed and clarified if needed.

MERIT EVALUATION: A motion was made by Council Member Mower and 2nd by Council Member Meyer to approve the merit evaluation and pay increase for Public Works Maintenance Tech 11, Arkay Pugh, from Grade 10 Step B to Grade 10 Step C. Motion passed unanimously.

A motion to go into executive session to discuss pending or reasonably imminent litigation was made by Council Member Sorenson and 2nd by Council Member Mower. Motion passed unanimously. A motion to go out of executive session was made by Council Member Chatterley and 2nd by Council Member Mower. Motion passed unanimously.

A motion to adjourn was made by Council Member Meyer and 2nd by Council Member Mower. Motion passed unanimously.

MAYOR

NINA LAYCOOK

RECORDER

DUANE HUFFMAN